

Exhibit 2

ElMurr, Nicole K.

From: Hannah Wigger <HWigger@sheppardmullin.com>
Sent: Friday, February 16, 2024 7:58 PM
To: Lacy, Michael E.
Cc: Stein, Callan G.; Siu, Sarah E.; ElMurr, Nicole K.; Alexandra Bustamante; Amanda Witt; Angelo Pavone; Charles Spencer-Davis; Christopher Bauer; Dave Thomas; Imad Matini; Maria-Laura Coltre; Paul Werner; Tifenn Drouaud
Subject: RE: EDVA Trial -- Patti Sobecki

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Mike,

We continue to oppose the motion and deposition.

Thank you,

Hannah Wigger | Associate
+1 202-747-2673 | direct
HWigger@sheppardmullin.com | [Bio](#)

SheppardMullin
2099 Pennsylvania Avenue, NW, Suite 100
Washington, DC 20006-6801
+1 202-747-1900 | main
www.sheppardmullin.com | [LinkedIn](#) | [Twitter](#)

From: Lacy, Michael E. <Michael.Lacy@troutman.com>
Sent: Friday, February 16, 2024 2:20 PM
To: Hannah Wigger <HWigger@sheppardmullin.com>
Cc: Stein, Callan G. <Callan.Stein@troutman.com>; Siu, Sarah E. <Sarah.Siu@troutman.com>; ElMurr, Nicole K. <Nicole.ElMurr@troutman.com>; Alexandra Bustamante <abustamante@sheppardmullin.com>; Amanda Witt <awitt@sheppardmullin.com>; Angelo Pavone <apavone@sheppardmullin.com>; Charles Spencer-Davis <CSpencerDavis@sheppardmullin.com>; Christopher Bauer <CBauer@sheppardmullin.com>; Dave Thomas <dthomas@sheppardmullin.com>; Imad Matini <IMatini@sheppardmullin.com>; Maria-Laura Coltre <MColtre@sheppardmullin.com>; Paul Werner <PWerner@sheppardmullin.com>; Tifenn Drouaud <tdrouaud@sheppardmullin.com>
Subject: RE: EDVA Trial -- Patti Sobecki

Hannah—

Your side does not have to appear in person; you can participate remotely or by telephone. We also are amenable to conducting the deposition by remote means.

Please let us know if that changes Plaintiff's position. Otherwise, we will file a motion seeking to take this de bene esse deposition and an expedited hearing on same, noting your objection to the deposition.

Thanks.

Michael E. Lacy

Partner

troutman pepper

Direct: 804.697.1326 | Internal: 15-1326

michael.lacy@troutman.com

From: Hannah Wigger <HWigger@sheppardmullin.com>

Sent: Friday, February 16, 2024 1:15 PM

To: Lacy, Michael E. <Michael.Lacy@troutman.com>

Cc: Stein, Callan G. <Callan.Stein@troutman.com>; Siu, Sarah E. <Sarah.Siu@troutman.com>; ElMurr, Nicole K. <Nicole.ElMurr@troutman.com>; Alexandra Bustamante <abustamante@sheppardmullin.com>; Amanda Witt <awitt@sheppardmullin.com>; Angelo Pavone <apavone@sheppardmullin.com>; Charles Spencer-Davis <CSpencerDavis@sheppardmullin.com>; Christopher Bauer <CBauer@sheppardmullin.com>; Dave Thomas <dthomas@sheppardmullin.com>; Imad Matini <IMatini@sheppardmullin.com>; Maria-Laura Coltre <MColtre@sheppardmullin.com>; Paul Werner <PWerner@sheppardmullin.com>; Tifenn Drouaud <tdrouaud@sheppardmullin.com>

Subject: RE: EDVA Trial -- Patti Sobecki

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Mike,

Is this a subpoena for an in-person deposition in Indianapolis? We did not discuss or agree to an in-person, out of state deposition – much less one the Wednesday before trial.

As we have already stated, we object to this deposition and its use in every respect. Further, this subpoena is improper. Under Rule 30(a)(2)(A)(ii), you “must” obtain leave of the court to conduct a deposition where the deponent has already been deposed in the case. Fed. R. Civ. P. 30(a)(2)(A)(ii).

If you do not withdraw this subpoena today, we will seek appropriate relief in Court, as well as our fees and costs in doing so.

Thank you,

Hannah Wigger | Associate

+1 202-747-2673 | direct

HWigger@sheppardmullin.com | [Bio](#)

SheppardMullin

2099 Pennsylvania Avenue, NW, Suite 100

Washington, DC 20006-6801

+1 202-747-1900 | main

www.sheppardmullin.com | [LinkedIn](#) | [Twitter](#)

From: Lacy, Michael E. <Michael.Lacy@troutman.com>

Sent: Friday, February 16, 2024 11:50 AM

To: Hannah Wigger <HWigger@sheppardmullin.com>

Cc: Stein, Callan G. <Callan.Stein@troutman.com>; Siu, Sarah E. <Sarah.Siu@troutman.com>; ElMurr, Nicole K. <Nicole.ElMurr@troutman.com>; Alexandra Bustamante <abustamante@sheppardmullin.com>; Amanda Witt <awitt@sheppardmullin.com>; Angelo Pavone <apavone@sheppardmullin.com>; Charles Spencer-Davis <CSpencerDavis@sheppardmullin.com>; Christopher Bauer <CBauer@sheppardmullin.com>; Dave Thomas <dthomas@sheppardmullin.com>; Imad Matini <IMatini@sheppardmullin.com>; Maria-Laura Coltre <MColtre@sheppardmullin.com>; Paul Werner <PWerner@sheppardmullin.com>; Tifenn Drouaud <tdrouaud@sheppardmullin.com>

Subject: RE: EDVA Trial -- Patti Sobecki

Hannah—

Please see the attached. Thank you.

Michael E. Lacy

Partner

troutman pepper

Direct: 804.697.1326 | Internal: 15-1326

michael.lacy@troutman.com

From: Lacy, Michael E.

Sent: Wednesday, February 14, 2024 6:04 PM

To: 'Hannah Wigger' <HWigger@sheppardmullin.com>

Cc: Stein, Callan G. <Callan.Stein@troutman.com>; Siu, Sarah E. <Sarah.Siu@troutman.com>; ElMurr, Nicole K. <Nicole.ElMurr@troutman.com>; Alexandra Bustamante <abustamante@sheppardmullin.com>; Amanda Witt <awitt@sheppardmullin.com>; Angelo Pavone <apavone@sheppardmullin.com>; Charles Spencer-Davis <CSpencerDavis@sheppardmullin.com>; Christopher Bauer <CBauer@sheppardmullin.com>; Dave Thomas <dthomas@sheppardmullin.com>; Imad Matini <IMatini@sheppardmullin.com>; Maria-Laura Coltre <MColtre@sheppardmullin.com>; Paul Werner <PWerner@sheppardmullin.com>; Tifenn Drouaud <tdrouaud@sheppardmullin.com>

Subject: RE: EDVA Trial -- Patti Sobecki

Thanks, Hannah. We will confirm February 28 with Ms. Sobecki and issue a subpoena.

As to your other statements, Ms. Sobecki cannot be compelled to appear in person at the trial, as she is beyond the subpoena power of the Court. Her travel schedule does not permit her to testify remotely on March 6-8, and it does not make sense to have her testify remotely on March 4-5 when she is willing to testify in person those days (to which AIS objects). Of course, AIS is free to cross examine Ms. Sobecki at the de bene esse deposition and play it for the jury. Or AIS could cross examine her in person in front of the jury on March 4 or 5, but it objects to her testifying on those days.

Thanks.

Michael E. Lacy

Partner

troutman pepper

Direct: 804.697.1326 | Internal: 15-1326

michael.lacy@troutman.com

From: Hannah Wigger <HWigger@sheppardmullin.com>

Sent: Wednesday, February 14, 2024 5:43 PM

To: Lacy, Michael E. <Michael.Lacy@troutman.com>

Cc: Stein, Callan G. <Callan.Stein@troutman.com>; Siu, Sarah E. <Sarah.Siu@troutman.com>; ElMurr, Nicole K. <Nicole.ElMurr@troutman.com>; Alexandra Bustamante <abustamante@sheppardmullin.com>; Amanda Witt <awitt@sheppardmullin.com>; Angelo Pavone <apavone@sheppardmullin.com>; Charles Spencer-Davis <CSpencerDavis@sheppardmullin.com>; Christopher Bauer <CBauer@sheppardmullin.com>; Dave Thomas <dthomas@sheppardmullin.com>; Imad Matini <IMatini@sheppardmullin.com>; Maria-Laura Coltre <MColtre@sheppardmullin.com>; Paul Werner <PWerner@sheppardmullin.com>; Tifenn Drouaud <tdrouaud@sheppardmullin.com>

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Mike,

We object to you using any de bene esse deposition of Ms. Sobecki at trial, for a myriad of reasons, including that you have not taken any steps (including a subpoena) to ensure Ms. Sobecki's attendance at trial, are refusing without explanation or justification to procure her virtual participation, and already had a chance to submit deposition designations for Ms. Sobecki in accordance with Rule 26 – which you did not do. AIS would be prejudiced by this late-noticed deposition, less than a week before trial, and by the loss of an opportunity to cross examine Ms. Sobecki live in front of the jury.

If you do take another deposition of Ms. Sobecki, we will attend to preserve our rights. However, we intend to file motion to exclude any such deposition from trial. Please schedule any additional deposition of Ms. Sobecki for February 28th.

Thanks,

Hannah Wigger | Associate
+1 202-747-2673 | direct
HWigger@sheppardmullin.com | [Bio](#)

SheppardMullin

2099 Pennsylvania Avenue, NW, Suite 100
Washington, DC 20006-6801
+1 202-747-1900 | main
www.sheppardmullin.com | [LinkedIn](#) | [Twitter](#)

From: Lacy, Michael E. <Michael.Lacy@troutman.com>

Sent: Tuesday, February 13, 2024 6:31 PM

To: Hannah Wigger <HWigger@sheppardmullin.com>; Paul Werner <PWerner@sheppardmullin.com>; Imad Matini <IMatini@sheppardmullin.com>

Cc: Stein, Callan G. <Callan.Stein@troutman.com>; Siu, Sarah E. <Sarah.Siu@troutman.com>; ElMurr, Nicole K. <Nicole.ElMurr@troutman.com>

Subject: RE: EDVA Trial -- Patti Sobecki

Hannah—

She is traveling to Miami during those days and is unavailable to testify. We will notice her de bene esse deposition for February 27, though we can also do it on February 26 or 28. If you want to provide your date preference, please let us know by 5 pm tomorrow.

Thanks.

Michael E. Lacy

Partner

troutman pepper

Direct: 804.697.1326 | Internal: 15-1326

michael.lacy@troutman.com

From: Hannah Wigger <HWigger@sheppardmullin.com>

Sent: Tuesday, February 13, 2024 1:06 PM

To: Lacy, Michael E. <Michael.Lacy@troutman.com>; Paul Werner <PWerner@sheppardmullin.com>; Imad Matini <IMatini@sheppardmullin.com>

Cc: Stein, Callan G. <Callan.Stein@troutman.com>; Siu, Sarah E. <Sarah.Siu@troutman.com>; ElMurr, Nicole K. <Nicole.ElMurr@troutman.com>

Subject: RE: EDVA Trial -- Patti Sobecki

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Mike,

We would agree to Ms. Sobecki's virtual testimony, but we do not agree to take her out of time (during AIS's case in chief), or to present her testimony by deposition. What is the exact nature of her conflict?

Thanks,

Hannah Wigger | Associate

+1 202-747-2673 | direct

HWigger@sheppardmullin.com | [Bio](#)

SheppardMullin

2099 Pennsylvania Avenue, NW, Suite 100

Washington, DC 20006-6801

+1 202-747-1900 | main

www.sheppardmullin.com | [LinkedIn](#) | [Twitter](#)

From: Lacy, Michael E. <Michael.Lacy@troutman.com>

Sent: Monday, February 12, 2024 10:04 AM

To: Paul Werner <PWerner@sheppardmullin.com>; Hannah Wigger <HWigger@sheppardmullin.com>; Imad Matini <IMatini@sheppardmullin.com>

Cc: Stein, Callan G. <Callan.Stein@troutman.com>; Siu, Sarah E. <Sarah.Siu@troutman.com>; ElMurr, Nicole K. <Nicole.ElMurr@troutman.com>

Subject: EDVA Trial -- Patti Sobecki

Paul, Hannah, and Imad—

Ms. Sobecki has a travel conflict on March 6-8 that prevents her from testifying in person at the trial. However, she can appear in person March 4-5.

I presume you will not finish your case in chief by then, so please let me know if you agree to allow Ms. Sobecki to testify on March 5, subject to the court explaining that she is our witness, we taking her out of turn, etc. Alternatively, we can take her de bene esse deposition on February 26 or 27.

Happy to discuss. Thanks.

Michael E. Lacy

Partner

Direct: 804.697.1326 | Internal: 15-1326

michael.lacy@troutman.com

troutman pepper

1001 Haxall Point, Suite 1500

Richmond, VA 23219

troutman.com

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